

## EXHIBIT B

**UNITED STATES DISTRICT COURT  
SOUTHERN DISTRICT OF NEW YORK**

In re Terrorist Attacks on September 11, 2001

03 MDL 1570 (GBD) (FM)  
ECF Case

This document relates to:

*Ashton et al. v. al Qaeda Islamic Army, et al.*, 02-cv-6977 (GBD)(FM)

**DECLARATION OF TIMOTHY FROLICH**

I, Timothy Frolich, pursuant to 28 U.S.C. § 1746 do hereby declare under penalty of perjury as follows:

1. I am more than 18 years of age and competent to testify in court to the matters stated below. The statements made in this Declaration are based on my personal knowledge.

2. I was a citizen of the United States on September 11, 2001, and remain so today.

Attached as Exhibit A to this Declaration is a true and correct copy of my proof of citizenship, my birth certificate showing that I was born in New Jersey.

3. On September 11, 2001, I got to my job on the 80<sup>th</sup> floor of the South Tower of the World Trade Center at around 7:00 am like I did every day. I worked as an assistant treasurer at Fuji Corporate Bank at the time, and liked to get in early to avoid distractions and catch up on work.

4. I was working at my desk at around 8:46 when the first plane hit the North Tower. I remember hearing a loud “boom” behind me coming from outside, but was only able to see flaming papers flying out of several windows of the North Tower. I started to hear screaming and some of my coworkers running into the hallway out of the 80<sup>th</sup> floor.

5. Some of my coworkers started saying that a bomb went off in the North Tower, and about five minutes later the fire alarm in the building went off. We waited for instructions from

the Port Authority as to how to evacuate the building and to learn what had happened in the North tower. We were finally told that the attack on the North Tower was a “controlled situation” and Port Authority advised that everyone in the South Tower could and should return to their desks for further instructions.

6. Myself and three coworkers Manny, Jack and Mr. Kawauchi were volunteer fire wardens for the 79<sup>th</sup> through 82<sup>nd</sup> floors, and began discussing the best plan of action for their Fuji Bank coworkers. We decided to split up and use the stairs to check for any employees still in the office, and calmly advise everyone to evacuate the building. We then started to smell kerosene in the office and realized how dire the situation was.

7. Jack and I stayed together and ran back to Jack’s office to grab walkie talkies and search the rest of the offices for anyone left behind at their desks. Before leaving the 82<sup>nd</sup> floor, I stopped for a moment and watched a massive fire burn through the North Tower. The smoke and kerosene smell from the fire was blowing into the South Tower and started to give me chest pains.

8. We began descending Stairwell A and found between 10-15 people milling about, and decided to walk then down the stairs between us. I started to tire from all the running around we had been doing and my pace down the stairs slowed. Since I was at the back of the group, I lost everyone else.

9. I stopped to rest on the 70<sup>th</sup> floor, and as I entered the floor from the stairwell, I heard a loud roar, felt the room shake, pop and explode. I was thrown left and right across the room, falling on my back several feet from the door I had just entered. I was stunned, unsure if I was still alive, and prayed to God that my wife and little girl were okay. I later found out that at that moment, I had been only 8 stories below the impact zone of UA Flight 175.

10. I turned over and crawled towards the stairwell. As I was leaving the floor, I turned to my right and saw an older man standing to stare out an open and shattered window. He then tucked into a ball and jumped out. I told myself I had to find a way to make it out alive.

11. Smoke continued to fill the room, and I could only make it out through crawling. Coming down the stairwell, I was passed by people with cuts and gaping wounds. Around the 50<sup>th</sup> floor, the line of people began to slow and everyone started to panic and become impatient. I found a woman somewhere between the 25<sup>th</sup> and 30<sup>th</sup> floors named Tiffany who was having an asthma attack. After letting the remaining people down, I escorted her down the stairs, arm in arm. She tried to tell me she was not in the physical shape to make it down the stairs, but I told her I would not continue on without her.

12. We safely exited the building and stopped about 150-200 yards away from the tower to rest. I could no longer see due to all of the dust and debris. A rescue worker came up and gave us some saline solution for my eyes. After 3-4 minutes, we heard the South Tower start to rumble and the rescue worker screamed at us to stand up and run. I tried to escape the cloud of debris from the tower but was quickly consumed by it and had to stop in the midnight blackness that surrounded me. I just stood in the pitch black cloud waiting to die.

13. As I was standing there, I heard footsteps coming towards me. I remember yelling out asking “where do we run?” I felt someone grab my arm and yank me into the opening of another building. We then fell down a flight of stairs and I felt what I thought was my left ankle but ended up being my left foot snap, as I fell on top of the firefighter who saved me.

14. I told the firefighter that I was badly injured and could not move. He told me that he had to leave to get help, but promised to return back for me. As he left me in the complete darkness, I began to cry. I was lucky to be alive, but was badly hurt and petrified about going

back outside, I still had no idea the South Tower had collapsed. Within ten minutes, however, the fireman returned with help, splinted my foot and carried me to a Chase Bank where other survivors, including Tiffany, were receiving water and oxygen.

15. Tiffany convinced paramedics to get me to a hospital, and I was put in an ambulance with two other women who were burnt so badly their pale skin had turned completely black and was peeling off. As we left, one of the EMTs shouted “we need to go quickly because the North Tower is coming down!” I then passed out from panic.

16. I woke up in St. Vincent’s Hospital where I told doctors I thought I broke my ankle. They then only X-ray’ed that part of my body, told me the ankle was merely sprained and gave me Tylenol #3 for treatment. My wife arrived in the hospital around 2 pm, having run all the way from her office in midtown to find me.

17. We were driven home to Brooklyn later that night by the NYPD. I was terrified of the dark and was unable to turn out the lights. As the night went on, my foot continued to increase in pain, swelled and looked deformed with the bone sticking out, causing us to rush to the emergency room. On the morning of September 12, 2001, I was first sent to the office of orthopedic doctors in Brooklyn. After taking x-rays and finding that I had multiple fractures and a dislocation of the talar navicular joint in my left foot as well as a severely sprained left knee and an effusion along the lateral joint line of my left leg, I was then rushed to Victory Memorial Hospital for emergency surgery.

18. My wife and I were told after the surgery that I would likely experience severe traumatic arthritis in the area of the calcaneal cuboid joint and would need future follow up surgery. I continued to return to the hospital in the following weeks for checkups as the pain in my left foot and leg persisted.

19. In the weeks following September 11, I was unable to sleep and experienced traumatizing nightmares, as well as hand tremors caused by anxiety. I went to seek psychological help at Bridge Back to Life Center on September 24, 2001, and was diagnosed with acute post-traumatic stress disorder, and was prescribed Ambien for sleep. I could not continue to seek treatment at the Bridge Back to Life Center, as there was no elevator and my foot was too severely injured to climb the stairs, and switched to Neighborhood Counseling Center. Here, the counselors noted that I was experiencing panic, was shaky and kept spontaneously crying.

20. Due to what I had seen during the attacks, coupled with the grief I felt over losing some of my closest friends, I felt intensely anxious, depressed, scared and without a job, worthless. I was diagnosed with Acute Stress Disorder. I was prescribed Ativan and Celexa. My anxiety also gave me sinus tachycardia, or an extremely fast heartbeat that caused chest pains.

21. After experiencing little improvement in my foot, I returned to the doctor for a follow-up visit in October of 2001. The doctor noted that my foot had a blueish tint and showed signs of early RSD, or Reflex Sympathetic Dystrophy. RSD is a disorder of the sympathetic nervous system characterized by severe, chronic pain, and can lead to a cycle of intractable pain, swelling, temperature changes and bluish color change in the skin. Later stages can cause the pain to spread to other regions of the body. The RSD was confirmed by MRI in January, 2002.

22. I received multiple epidurals, nerve blocks, and underwent months of physical therapy, in addition to taking multiple different pain medications, but nothing improved the excruciating and unrelenting pain I experienced in my foot and ankle. The pain I experience

serves as a continual reminder of the 9/11 attacks, never allowing me to fully forget or move past that day. This has caused my anxiety and depression surrounding the attacks to continue despite long term therapy and counseling. The medication that I was on for my pain and my mental state caused me to develop esophagitis, gastritis, duodenitis and hemorrhoids, in August of 2003, further exacerbating my physical injuries.

23. On September 15, 2003, I was classified as having permanent disability due to the pain caused by my foot injury. In addition, the PTSD, anxiety and depression that I developed still haunt me to this day with flashbacks. I am still unable to work in a full capacity, as I was let go from my job at Fuji Bank due to my physical and mental state. I struggle every day with the sound of airplanes and being in the dark.

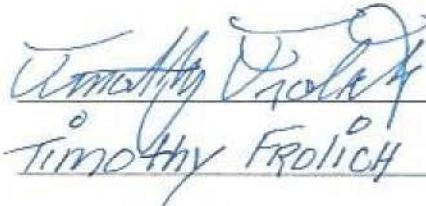
24. I am no longer able to help my wife and family with daily chores or handiwork around the house. All previous leisure activities that I used to enjoy, such as sports and exercising, are impossible for me to participate in now. The daily pain caused by my RSD has caused me to avoid many social functions. I am unlikely to ever fully recover from the physical injuries I sustained on 9/11, and will always carry with me the PTSD and other mental impacts of that day.

I declare under penalty of perjury that the foregoing is true and correct.

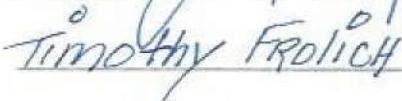
Executed on: 7/14/2022

Place: New York, New York

Signature:

  
Timothy Frolich

Print:

  
Timothy Frolich

## EXHIBIT A

REGISTRAR'S NO.  
**3336**

## NEW JERSEY STATE DEPARTMENT OF HEALTH

SPACES BELOW RESERVED FOR STATE OFFICE USE ONLY		a. Place of Birth <b>PASSAIC</b> (Check box and give name)	b. Usual Residence of Mother (Where does mother live?) <b>NEW JERSEY</b> a. State <b>PASSAIC</b> b. County (Check box and give name)
PLACE	RESIDENCE	b. City Borough Township <b>PATERSON</b> (Check box and give name)	c. City Borough Township <b>LITTLE FALLS</b> (Check box and give name)
		c. Name (If not in hospital or institution give street address or of Hospital or Institution) <b>ST. JOSEPH HOSPITAL</b> (location)	d. Street Address of Mother If Rural, P.O. Address <b>37 VAN FELT PL.</b>
		3. CHILD'S NAME (Type or Print) <b>TIMOTHY LOUIS FROLICH</b>	a. (First) <b>TIMOTHY</b> b. (Middle) <b>LOUIS</b> c. (Last) <b>FROLICH</b>
MALE		4. Sex a. This Birth Single <input checked="" type="checkbox"/> Twin <input type="checkbox"/> Triplet <input type="checkbox"/> b. If Twin or Triplet (This child born) 1st <input type="checkbox"/> 2nd <input type="checkbox"/> 3rd <input type="checkbox"/>	5. Date of Birth (Month) <input type="checkbox"/> (Day) <input type="checkbox"/> (Year) <b>1964</b>
HOSPITAL		FATHER OF CHILD a. (First) <b>LOUIS</b> b. (Middle) <b>FROLICH</b> c. (Last) <b>WHITE</b>	
WEIGHT		7. Full Name a. (First) <b>LOUIS</b> b. (Middle) <b>FROLICH</b> c. (Last) <b>WHITE</b>	8. Age (at time of this birth) <b>21</b> Years 10. Birthplace <b>NEW JERSEY</b> 11a. Usual Occupation <b>MACHINIST</b> 11b. Kind of Business or Industry <b>STRINGFIELD ENG.</b>
		12. Full Maiden Name <b>BARBARA</b>	13. Mother of Child a. (First) <b>BARBARA</b> b. (Middle) <b>DAHLER</b> c. (Last) <b>WHITE</b>
		14. Age (at time of this birth) <b>20</b> Years 15. Birthplace <b>NEW JERSEY</b>	16. Children Previously Born to This Mother (Do NOT include this child) a. How many OTHER children are now living? b. How many OTHER children were born alive but are now dead? c. How many children were stillborn (born dead after 20 weeks' pregnancy)? 0 0 0
		17. Informant <b>Barbara Frollich</b>	18. Attendant at Birth M.D. <input checked="" type="checkbox"/> Midwife <input type="checkbox"/> Specify 18d. Date Signed <b>7-25-64</b>
		19. Date Received by Local Registrar <b>AUG 7 1964</b>	20. Registrar's Signature <b>Souis Failla</b>
(This section MUST be filled out)			
Form 1 V. S. Reg-16 Feb. 1963		21a. Length of Pregnancy Weeks <b>41</b>	21b. Weight at Birth Lbs. <b>6</b> Oz. <b>7 1/2</b>
		22. Legitimate Yes <input checked="" type="checkbox"/> No <input type="checkbox"/>	23a. Was a Blood Test for Syphilis made during pregnancy? Yes <input type="checkbox"/> No <input checked="" type="checkbox"/> 23b. Date Specimen Taken <b>6/9/64</b>
		For Congenital Deformity report on form available from hospital record room. <b>AUG 7 1964</b>	

DEPARTMENT OF HEALTH  
PATERSON, NEW JERSEY 07501

Seal

THIS IS TO CERTIFY THAT THE FOREGOING IS A TRUE COPY OF A RECORD ON FILE IN THE DIVISION OF VITAL STATISTICS OF THE PATERSON DEPARTMENT OF HEALTH.

*Souis Failla*

Registrar of Vital Statistics

*J. Allen Mager*

Director, Dept. of Health

WARNING: DO NOT ACCEPT THIS COPY UNLESS THE RAISED SEAL OF THE PATERSON BOARD OF HEALTH IS AFFIXED HEREON.